

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES LIDESTRI,

25 Civ. 1166 (JHR)

Plaintiff,

-v.-

**DECLARATION OF
JAMES LIDESTRI**

AUDREY BURNS,

Defendant.
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JAMES LIDESTRI declares pursuant to 28 U.S.C. § 1746:

1. I am the Plaintiff in the above-captioned matter. I submit this Declaration in opposition to Defendant's Motion to Dismiss.
2. My main career from the 1980's to the current day has been in the business world, specifically dealing with technology and as a business executive.
3. In the 2001-2002 timeframe I got involved in the glamour photography business after being introduced to a Playboy Playmate, who then introduced me to others.
4. In addition to conducting photoshoots, my company also built some websites for these glamour models so that they could make money from the photos and videos. These websites were called subscription sites, where a viewer would pay a fee by credit card to access the photo and video content contained within.
5. The nature of these photoshoots were Playboy-style nude glamour, nothing involving men or pornography or x-rated activities.
6. I photographed over 40 models in this venture, all over the age of 18, and I have been internationally published.
7. I was constantly around nude women during the photoshoots and at no time did any model ever lodge a complaint about my behavior.

8. I was very well-liked in the community and the model agent who hired many of the models is prepared to attest to my reputation.

9. I sold that business 3-4 years later.

Photography History – Venture 2

10. In the 2008-2009 timeframe, I was contacted on a photographer-model forum by the mother of a model, who was under the age of 18, and she wanted me to conduct photoshoots and build a website for her daughter. She had a similar arrangement with another photographer, and they were looking to make a change.

11. The mother and model were living in Florida and indicated that they had acquaintances who would also like a similar arrangement.

12. I agreed to do the photoshoots and have my company build the website as long as we adhered to a number of rules.

13. The rules for models under the age of 18 were that a parent or guardian would need to be present at the photoshoot; the poses and attire would need to be agreed to by the guardian prior to the photoshoot and that we would adhere to the laws regarding the photography of a minor. All of those rules were memorialized with each model in a written contract.

14. All of the company websites were hosted in the United States, we used credit card processors based in the United States and all were accessible to anyone 18 or older who held a valid credit card.

15. We didn't want the business to have the stigma of having any part of it handled offshore, which might lead some to think that we were trying to hide something.

16. Each model and parent were given login credentials to access the subscription websites so that they could see the entire collection of photos and videos of every model. During

the entire duration of this venture up until now, no parent, model or any other party ever lodged a complaint about any aspect of this business.

17. The websites featured 40+ models and we employed over 10 photographers, some in different cities and countries. We used multiple photographers in Florida since the workload was higher there.

18. Over the course of the venture, I only conducted a handful of photoshoots at my home location in New York, about 90 minutes north of Manhattan. Typically, this was done as a sort of treat to the model and guardian if they had never before been to New York.

19. To accommodate my normal business work schedule, the model and guardian would travel to New York on a Thursday or Friday, we would conduct the photoshoot on a Saturday at my home location and then on Sunday I would take the model and guardian on a tour of Manhattan. I would return home and they would continue to the airport that night or the next morning.

Introduction to Burns

20. I became acquainted with Burns, when she was 16 years old, in late 2012 or early 2013 through a Dallas-based photographer who I had met on a photography-model forum, on which we both had profiles.

21. The photographer's photos of Burns matched the style of our website so we arranged an introduction to Burns.

22. Burns was 16 at the time. I did not know her when she was 14 or 15 as was alleged by Burns.

23. Burns was not the first model on the website as she alleges. My company's website was operational for over three years before that, with at least 20 models on the site at that time.

24. The vast majority of models were in the 16-21 age range, but there were a few other 15-year-old models already on the website, so the insinuation made by Burns that we needed to wait until she was 15 ½- years-old to do a photoshoot and to wait until she was 16 to release photos is simply not true.

25. After speaking with Burns and her mother in early 2013, we made plans to have our first photoshoot in New York. Since she was living in Oklahoma and had never been to New York, we decided that they would come to my home location.

26. I never asked Burns to travel alone to New York, as she alleges.

27. At no time have I ever conducted a photoshoot with a model under the age of 18 at any location without a parent or guardian present, and at no time have I ever asked a model of that age to travel unescorted.

28. That would be just as dangerous for me and I would never allow it. I can't imagine any parent or guardian allowing it, so it is ridiculous to think that I would even ask.

29. The Dallas photographer, Burns and her mother agreed to license some photos to my company to put on my company's website prior the photoshoot so that we could introduce Burns to the website members.

30. My company purchased three sets of photos and those launched on the website in March 2013, when Burns was over 16 ½ years old.

31. That was the first payment ever to the photographer and Burns; there were no payments to her when she 14 or 15, as alleged by Burns, since I didn't even know her.

32. Burns also alleges that the photographer made comments to her that made her uncomfortable and that he insinuated that he was representing my thoughts, which is categorically not true. Whatever comments he made were his alone.

First Photoshoot with Burns – April 2013

33. The first photoshoot I had with Burns was on April 19-20, 2013, when she was over 16 ½ years old and within one month after releasing the three sets of photos taken by her photographer.

34. Burns and her mother flew into a NYC airport on Thursday, April 18, 2013 and I transported them to my home location, 90 miles north.

35. We conducted the photoshoot on Friday and Saturday, April 19th and 20th, 2013.

36. Prior to starting the photoshoot, Burns, her mother and I went over her contract and signed it. Burns' mother approved of all the attire to be worn throughout the day, as is required by each parent or guardian of a model under the age of 18.

37. Burns' mother was present the entire day and was free to be in the room while the photoshoot was being conducted.

38. Burns alleges that I gave her mother alcohol and told her that she could not be present during the photoshoot. This is untrue and it is ridiculous to think a mother would allow her 16-year-old daughter to be alone with a man who she had just met.

39. The photoshoot went very well and Burns and her mother were both extremely happy, and they both exclaimed that they couldn't wait to do another photoshoot.

40. On Sunday, April 21, I drove them both to Manhattan and gave them a tour. Burns was especially interested in seeing Times Square and in doing some shopping, so I accommodated them at the company's expense, paying for everything. I took her to the Juicy Couture store so she could buy some personal clothing.

41. Burns previously attached some photos from that trip to her court submissions, (Dkt # 19-9), and there should be many more in that photo gallery as evidenced by the total number, +112, as seen in one of the images.

42. I reserved a hotel room for Sunday night in Times Square for Burns and her mother, so that they could get to the airport and return home on Monday. I returned to my home Sunday night.

False Allegations Made by Burns regarding the First Photoshoot

43. First and foremost, there was not a single uncomfortable moment during the photoshoot. I categorically deny all Burns's allegations on what took place during the photoshoot – I never encouraged her mother to drink alcohol, I never forbade her mother to witness the photography, I never became aroused at any point and most importantly, I did not come in physical contact with her at any time.

44. Burns is also lying about the timeline. Burns included a photo in the exhibit that shows cash and a bag from Juicy Couture and alleges that these were waiting for her when her and her mother checked in upon initial arrival into New York, supposedly prior to the photoshoot occurring the following day. This is simply not true.

45. This photo was taken at the end of the weekend, after our sightseeing/shopping trip. The cash is what she earned from the photoshoot and the Juicy Couture bag is what she personally purchased at the store with both me and her mother present.

46. I took a photo of Burns in front of the Juicy Couture store and that photo should be in that large gallery of photos on Facebook that was only partially shown in the Exhibit.

47. I offer proof that Burns is lying about the timeline:

Here is the hotel confirmation that I made for Burns and her mother for one night on Sunday, April 21, 2013:

Conf. # - 68596438
Crowne Plaza
Times Square Manhattan
1605 Broadway
New York City, New York 10019

48. Secondly and most important, I had a business trip to the west coast the very next morning for my primary business and this was my flight itinerary:

Monday, April 22, 2013

JetBlue Flight 181, 8:15AM - 11:19AM, New York JFK to San Diego, CA

49. The photoshoot could not have happened the very next day after the sightseeing trip to New York since I was not even in the state!

50. One possible motive for Burns to lie is that the real timeline shows that she and her mother chose to spend time with me on that Sunday and had a great time in doing so, as evidenced in the photos themselves.

51. That would not fit with her fictional story of being molested the day before and being uncomfortable around me, so she modified the timeframe to show that our fun day was prior to the photoshoot, rather than afterwards.

52. Burns was never sent an Android phone, nor was any model ever sent a phone or any electronic device. All comments between subscribers and the models were done on the website, with no personal contact information shared. Comments from subscribers to the models were moderated first by someone on my staff and in the cases in which the subscriber made an

inappropriate comment, we would delete the comment and issue a warning, and in the more egregious situations, the subscribers were banned from the site. The models would never see the inappropriate comments because they were screened beforehand.

Burns Failure to Mention Second Photoshoot with Burns Soon After the First – June 2013

53. My second photoshoot with Burns was only six weeks after the first!

54. Burns and her mother were so happy with the first photoshoot that they invited me to their home area in Oklahoma to conduct our second photoshoot!

55. They suggested the Choctaw Casino and Resort Hotel as the venue. We planned the photoshoot for Sunday, June 2, 2013 a mere six weeks after the first photoshoot on April 20, 2013. Here is the confirmation for that hotel reservation:

Confirmation #: 40510658
Choctaw Casino and Resort Hotel
4216 South Hwy 69/75
Durant, OK 74701
580-931-8340

56. I came into town the day before, on a Saturday night, we conducted the photoshoot on Sunday and I left on Monday. We again had a very successful photoshoot and both Burns and her mother were very happy with the results.

57. Burns doesn't mention this second photoshoot in her affidavit because it fails to fit her false narrative that something illicit happened during that first photoshoot causing her to not want to work with me anymore.

58. Burns alleges that I begged her to come back to New York, which is untrue.

59. This evidence shows the reality that Burns and her mother were so happy with the photoshoot and had no issues with me whatsoever that we were eager to have me come to their hometown as soon as possible.

60. Burns is attempting to change historical facts so that she can support the false molestation narrative, further showing the revenge motive that she and her friends have against me.

Last Photoshoot with Burns – July 2014

61. My last photoshoot with Burns was in July 2014, just days after she turned 18.

62. At that photoshoot, Amanda Zimmerman was a second model to be photographed at the same location.

63. Zimmerman and Burns had gone out the night before the photoshoot and arrived very late and hungover, keeping two photographers and a makeup artist waiting.

64. Due to Amanda's age, the pictures were not nude and there was no kissing or interplay; they were just casual photos. We gave them copies of the photos.

False Allegations Made by Burns regarding the Last Photoshoot

65. Burns alleges that Zimmerman asked my permission to get a tattoo and that I forced them to take photos in the nude in order to get my approval. This is not true.

66. Zimmerman made the request to be photographed with Burns because she told me that she had a romantic interest in Burns. It had nothing to do with Zimmerman wanting a tattoo.

67. Zimmerman's desire for a tattoo only involved Zimmerman, it had nothing to do with Burns.

68. Burns and I remained in business together for a few years after that last photo shoot.

69. All business between me and Burns originated from my home in New York and continued to be conducted from my home in New York.

70. All payments to Burns came from my Wells Fargo Bank in New York.

The New York Times articles

71. The New York Times reporters first reached out to me regarding a story on the “creator economy”, such as influencers, models, etc. I spoke to the two reporters on for 1 1/2 hours on October 28 and then for 1 hour on November 7.

69. We also exchanged text messages and emails. These conversations were general in nature and at no time did they say that suspected me of any wrongdoing or mention the names of the three women quoted in the article.

70. They published an article on Sunday November 10, 2024. That article’s subject matter was nothing like they had described. It was biographical piece on a model and her father who I had done business with previously. There was nothing about the creator economy in that article and nothing that required my background. They simply wanted to let the world know that I was involved in a business that allowed minor models to participate.

71. I was then informed by the reporters that they planned a follow-up article about one week before Christmas. Then on Christmas Eve around noon, I was asked to speak to them so that I could make a comment.

72. I forwarded that request to my lawyer and that’s when we found out the basics of the story, specifically the one major accusation that I had molested a 16-year old model.

73. We were not given a copy of the article. Through my lawyer, we protested vehemently that the model’s story was full of holes and that the other allegations couldn’t be reliably substantiated.

74. We asked for time to provide them with factual information to refute those stories; we just wanted them to adhere to a level of due process that should be sacrosanct when dealing with such a damaging allegation. They proceeded anyway and published the story on

Dec. 30.

NYT Misrepresentation of the article's title and inclusion with felons

75. The story's title, "The Men Who Use Instagram to Groom Child Influencers" is entirely misleading with regard to me and my company. I never reached out to any models over Instagram. We did no recruiting whatsoever. No models came through contact on Instagram.

76. The second misrepresentation is to include me alongside other photographers who are all in jail. They each had substantial involvement in very serious child pornography charges. It's ridiculous to have me included in this piece.

77. My ventures in this area have all been public and have never even been investigated despite the fact that there have been many years in which to do so.

Burns, Zimmerman and Compton were friends and had Motive

78. The three women mentioned were very close friends when the website was active and have remained friends to this day. These are not three independent stories. It is one group with a vendetta.

79. Zimmerman asked me to tell Burns that she had a romantic interest in her. She asked for me to take photos of the two of them on multiple occasions.

80. There is visual evidence that proves Burns and Compton were collaborating on adult content as recently as the last few years.

81. I had very good relations with all three during my business time with them, however they all ended with some discord, as two (Zimmerman and Burns) wanted more money and we couldn't accommodate them, given that we did not want to allow more explicit adult content on our site that they had wanted to do.

82. Compton was fired for not living up to her contract when she was close to 20 years old, and she was very bitter about it. After she left our company, she did adult content for other companies.

83. Zimmerman continued to get many more tattoos and eventually we parted ways because her revenue had declined to the point where it wasn't profitable. After that, she also did adult content for other companies.

84. Burns left somewhere in the 18 ½-19 age range and went to one of our competitors that allowed more explicit material. She also did adult content for them and is active on OnlyFans.

85. These three had motive to lie and colluded on these fictional stories.

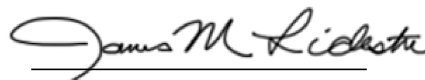
Insinuation that my business led to their poor decisions in life

86. The NYT article also tries to make the case that modeling for my website led these three women to a hard life and into the sex industry. Out of the 40 models on our websites, only these three and two or three others ended up having a career in the adult industry. The other 85% led perfectly normal lives, going to college or getting jobs and then raising families.

87. These three were always trying to push the edge more than the other models. This was another attempt to discredit me by making false assertions backed by nothing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 14, 2025


James Lidestri